IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8580 OF 2005

Sanjay Vijaysingh Padode. ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents

Mr.Nankani i/b. Nankani & Associates for Applicant.
Mr.S.S. tatkare, APP for State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 18, 2006

P.C. :-

. This is an application for relaxation of the condition imposed by this Court and for return of the passport which impounded by the respondents and secondly, if the first prayer is not considered by this Court, then alternatively, the applicant may be permitted to travel abroad for business purposes as per the itinerary mentioned in para 6 of the application.

2. So far as the first prayer is concerned, the learned Counsel appearing on behalf of the applicant has relied on the order of Supreme Court in SLP filed against the Maharashtra challenging the Judgment and Order passed by the Division Bench of this court. He

invited my attention to the interim stay which was granted by the Supreme Court in the said case. It is submitted that since SLP in the Supreme Court is not likely to be heard for sometime and the MPID Act was struck down by the Division Bench of this Court, the Supreme Court had directed that no coercive action should be taken against the accused in pending cases and status quo should be maintained as on the date of the order passed by the Supreme Court. He submitted that in view of the interim stay granted by the Supreme Court, the condition imposed by this Court of impounding the passport may be set aside as modified.

3. It is not possible to accept the said submission made by the learned Counsel appearing on behalf of the applicant. The Supreme Court in its order dated 18th November, 2005 does not stay pending cases, however, it may be stated that in case, the investigations are in progress, the prosecuting agency shall continue with the investigation but shall not take any coercive steps against the accused. Certain directions also have been given regarding the release of properties which are

attached by the Competent Authority. There is, thus, no direction given by the Supreme Court for releasing the passports which are impounded pursuant to the interim orders passed by the various courts. This prayer, therefore, is rejected.

4. However, so far as the second prayer is concerned, the applicant's application for travelling abroad was accepted by this Court which is evident from the order passed by this Court dated 13th July, 2005 in Criminal Application No.4361/2005. It discloses that the applicant was permitted to travel abroad for a limited period as per the specific itinerary provided in his application.

5. In this view of the matter, in my view, the applicant is permitted to go abroad for a limited period and for that purpose, the respondents are permitted to return the passport to the applicant.

6. Application is, therefore, allowed in terms of prayer clause (b). The applicant to give the specific

itinerary with the respondent and thereafter, the passport may be returned.

. Application is disposed of in the above terms.

. Parties to act on the authenticated copy of this order.

(V.M. KANADE, J.)